

Superseded 5/12/2015

17B-2a-405 Board of trustees of certain sewer improvement districts.

(1) As used in this section:

- (a) "Jurisdictional boundaries" means:
 - (i) for a qualified county, the boundaries that include:
 - (A) the area of the unincorporated part of the county that is included within a sewer improvement district; and
 - (B) the area of each nonappointing municipality that is included within the sewer improvement district; and
 - (ii) for a qualified municipality, the boundaries that include the area of the municipality that is included within a sewer improvement district.
- (b) "Nonappointing municipality" means a municipality that:
 - (i) is partly included within a sewer improvement district; and
 - (ii) is not a qualified municipality.
- (c) "Qualified county" means a county:
 - (i) some or all of whose unincorporated area is included within a sewer improvement district; or
 - (ii) which includes within its boundaries a nonappointing municipality.
- (d) "Qualified county member" means a member of a board of trustees of a sewer improvement district appointed under Subsection (3)(a)(ii).
- (e) "Qualified municipality" means a municipality that is partly or entirely included within a sewer improvement district that includes:
 - (i) all of the municipality that is capable of receiving sewage treatment service from the sewer improvement district; and
 - (ii) more than half of:
 - (A) the municipality's land area; or
 - (B) the assessed value of all private real property within the municipality.
- (f) "Qualified municipality member" means a member of a board of trustees of a sewer improvement district appointed under Subsection (3)(a)(i).
- (g) "Sewer improvement district" means an improvement district that:
 - (i) provides sewage collection, treatment, and disposal service; and
 - (ii) made an election before 1954 under Laws of Utah 1953, Chapter 29, to enable it to continue to appoint its board of trustees members as provided in this section.

(2)

- (a) Notwithstanding Section 17B-2a-404, the board of trustees members of a sewer improvement district shall be appointed as provided in this section.
- (b) The board of trustees of a sewer improvement district may revoke the election under Subsection (1)(d)(ii) and become subject to the provisions of Section 17B-2a-404 only by the unanimous vote of all members of the sewer improvement district's board of trustees at a time when there is no vacancy on the board.

(3)

- (a) The board of trustees of each sewer improvement district shall consist of:
 - (i) at least one person but not more than three persons appointed by the mayor of each qualified municipality, with the consent of the legislative body of that municipality; and
 - (ii) at least one person but not more than three persons appointed by:
 - (A) the county executive, with the consent of the county legislative body, for a qualified county operating under a county executive-council form of county government; or
 - (B) the county legislative body, for each other qualified county.

- (b) Each qualified county member appointed under Subsection (3)(a)(ii) shall represent the area within the jurisdictional boundaries of the qualified county.
- (4) Notwithstanding Subsection 17B-1-302(2), the number of board of trustees members of a sewer improvement district shall be the number that results from application of Subsection (3)(a).
- (5) Except as provided in this section, an appointment to the board of trustees of a sewer improvement district is governed by Section 17B-1-304.
- (6) A quorum of a board of trustees of a sewer improvement district consists of members representing more than 50% of the total number of qualified county and qualified municipality votes under Subsection (7).
- (7)
 - (a) Subject to Subsection (7)(b), each qualified county and each qualified municipality is entitled to one vote on the board of trustees of a sewer improvement district for each \$10,000,000, or fractional part larger than 1/2 of that amount, of assessed valuation of private real property taxable for district purposes within the respective jurisdictional boundaries, as shown by the assessment records of the county and evidenced by a certificate of the county auditor.
 - (b) Notwithstanding Subsection (7)(a), each qualified county and each qualified municipality shall have at least one vote.
- (8) If a qualified county or qualified municipality appoints more than one board member, all the votes to which the qualified county or qualified municipality is entitled under Subsection (7) for an item of board business shall collectively be cast by a majority of the qualified county members or qualified municipal members, respectively, present at a meeting of the board of trustees.